

Message Text

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ACTION EB-11

INFO OCT-01 NEA-10 ADP-00 AID-20 L-03 IGA-02 COME-00 EUR-25

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R 110259Z JUL 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9995

UNCLAS ISLAMABAD 5570

E.O. 11652: N/A

TAGS: EIND, PK

SUBJ: PAKISTAN COPYRIGHT

REF: STATE 127356

1. SUMMARY. IN RESPONSE TO EMBOFF'S PRESENTATION ALONG LINES REFTTEL, CAPT. ISANI REPORTED THAT GOP UNLIKELY DECIDE ABOUT ADHERENCE TO PARIS REVISION OF UNIVERSAL COPYRIGHT CONVENTION UNTIL AFTER MID-AUGUST. HE FORESEES NO SUBSTANTIVE DIFFICULTIES INHIBITING ADHERENCE, HOWEVER. ISANI EXPRESSED CONCERN ABOUT POSSIBILITY THAT REVISION MIGHT NOT GAIN SUFFICIENT RATIFICATIONS TO ENTER INTO FORCE AND ABOUT DIFFICULT POSITION SUCH SITUATION WOULD PLACE PAKISTAN IN. HE INDICATED INTEREST IN BILATERAL GOP ARRANGEMENT WITH US UNDER THOSE CIRCUMSTANCES. EMBOFF STRESSED STRONG USG PREFERENCE FOR MULTILATERAL SOLUTION AND DESIRABILITY OF PAK ADHERENCE TO REVISION. ACTION REQUESTED: DEPT. PROVIDE INFO ON SITUATION OF US PUBLISHERS WITH RESPECT TO INDIAN GOVERNMENT. END SUMMARY.

2. EMBOFF AND USAID REP MET WITH CAPTAIN ISANI JULY 5. AFTER NOTING RECENT ENCOURAGING DEVELOPMENTS IN COPYRIGHT AREA, EMBOFF RECALLED THAT IN RECENT MEETING ISANI HAD STATED THAT IN FUTURE IF US PUBLISHERS REFUSED TO AUTHORIZE TEXTBOOK REPRINTS GOP WOULD SURVEY ALTERNATE TEXTBOOK CHOICES AND THEN APPLY PARIS ACT PROCEDURES FOR COMPULSORY LICENSING. IN THIS CONNEC-
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TION, WE HAD BEEN ASKED TO BRING TO ISANI'S ATTENTION

FACT THAT PAKISTAN COULD NOT CLAIM TO AVAIL ITSELF OF PROVISIONS OF CONVENTION TO WHICH IT HAD NOT ADHERED AND WHICH HAD NOT YET ENTERED INTO FORCE. EMBOFF NOTED THAT EMBASSY'S MARCH 7 DIPLOMATIC NOTE (WHICH ISANI HAD SEEN), HAD EXPRESSED HOPE THAT GOP WOULD ADHERE TO PARIS REVISION. USG BELIEVED THAT ADHERENCE BY PAKISTAN WOULD SET IMPORTANT EXAMPLE FOR OTHER DEVELOPING COUNTRIES, AS ONLY EIGHT MORE RATIFICATIONS WERE REQUIRED FOR ENTRY INTO FORCE.

3. ISANI STATED THAT QUESTION OF GOP'S ADHERENCE TO REVISED CONVENTION HAD NOT YET BEEN FULLY EXAMINED, AND NO DECISION HAD BEEN MADE. HE DOUBTED THAT MATTER WOULD RECEIVE ATTENTION REQUIRED AT POLITICAL LEVEL OF MINISTRY OF EDUCATION UNTIL MID-AUGUST, GIVEN MINISTER'S TRAVEL PLANS AND SCHEDULE FOR PROMULGATING CONSTITUTION. SPEAKING PERSONALLY, HE SAID HE DID NOT SEE ANY OBSTACLES TO GOP ADHERENCE TO PARIS REVISION. ISANI THEN ASKED WHETHER USG HAD NOT INDICATED THAT DEVELOPING COUNTRIES NOT ADHERING TO REVISION COULD ALSO AVAIL THEMSELVES OF ITS PROVISIONS WITH RESPECT TO REPRINTING OF EDUCATIONAL WORKS. EMBOFF REPLIED THAT PARIS ACT WAS CONCLUDED WITH VIEW TO MEETING SPECIAL EDUCATIONAL NEEDS OF COUNTRIES DECLARING THEMSELVES "DEVELOPING" WITH RESPECT TO CONVENTION. IT WAS HARD TO SEE HOW COUNTRIES WHICH DID NOT ACCEPT OBLIGATIONS OF CONVENTION COULD EXPECT TO TAKE ADVANTAGE OF ITS BENEFITS.

4. ISANI SAID THAT SINCE ONLY FOUR RATIFICATIONS HAD OCCURRED SINCE 1971, IT SEEMED POSSIBLE THAT IT MIGHT NOT ENTER INTO FORCE AT ALL. SOME LDC'S HAD EXPRESSED SERIOUS RESERVATIONS IN PARIS, AND IT APPEARED THAT LDC RESERVATIONS WERE INHIBITING RATIFICATIONS. (HE DENIED, HOWEVER, THAT THIS WAS FACTOR HINDERING GOP RATIFICATION.) UNDER THESE CIRCUMSTANCES, GOP WAS OBLIGED TO CONSIDER WHAT ALTERNATIVES IT MIGHT HAVE OUTSIDE OF CONVENTION. IT WAS NOTED THAT GOP HAD EARLIER EXPRESSED INTEREST IN BILATERAL AGREEMENT WITH US. EMBOFF RESPONDED THAT USG BELIEVED THAT MULTILATERAL ARRANGEMENT WAS PREFERABLE, HAD EXPEDITED ITS OWN RATIFICATION OF PARIS

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REVISION, AND CONSIDERED THAT ADHERENCE BY COUNTRIES SUCH AS PAKISTAN MIGHT TRIGGER REMAINING NECESSARY RATIFICATIONS. EMBOFF STATED THAT IN HIS VIEW, IF IT SHOULD BECOME CLEAR AT SOME FUTURE POINT THAT TREATY HAD BECOME DEAD LETTER, PROPOSITION WE DID NOT AT ALL AGREE WITH AT THIS TIME, USG WOULD PRESUMABLY WISH TO CONSULT WITH COUNTRIES AFFECTED. HE NOTED, HOWEVER, THAT IN SUCH SITUATION USG WOULD BE IN MUCH BETTER

POSITION TO ASSIST PAKISTAN, IF GOP HAD THROUGH RATIFICATION OF PARIS REVISION DEMONSTRATED ITS GOOD FAITH WITH RESPECT TO COPYRIGHT.

5. ISANI SAID MINISTRY OF EDUCATION WAS PLEASED WITH RESPONSES THUS FAR OF US PUBLISHERS OF BOOKS APPEARING ON SECOND LIST OF NINETY BOOKS WHICH GOP WISHED TO REPRINT, BUT HE FELT CERTAIN THAT SOME PUBLISHERS WOULD GIVE NEGATIVE REPLIES, THEREBY RAISING SERIOUS PROBLEMS FOR MINISTRY IF IT PROVED IMPOSSIBLE TO FIND ALTERNATIVE TEXTS. USAID REP NOTED THAT FRANKLIN BOOK REPRESENTATIVE RICHTER WOULD BE IN US SHORTLY AND WOULD TAKE UP THIS QUESTION WITH AMERICAN PUBLISHERS.

6. USAID OFFICER ASKED ABOUT ACCURACY OF ALLEGATIONS THAT SOME PAKISTANI PUBLISHERS WERE SELLING REPRINTED WORKS OUTSIDE PAKISTAN WITHOUT PERMISSION. ISANI RESPONDED THAT HE DID NOT KNOW OF ANY SUCH CASES. HE SAID THAT GOP LAWS GAVE CENTRAL GOVERNMENT EXCLUSIVE RIGHT TO REPRINT FOREIGN TEXTBOOKS AND PROTECTED FOREIGN PUBLISHERS AGAINST SUCH ABUSES. THUS, LEGAL ACTION COULD BE TAKEN IN PAKISTAN AGAINST THESE VIOLATIONS.

7. ISANI ASKED ABOUT ARRANGEMENTS OF US PUBLISHERS WITH INDIA RELATIVE TO REPRINTING OF TEXTBOOKS, NOTING THAT INDIA PROVIDED FAR LARGER MARKET FOR TEXTBOOKS, AND REQUESTED ANY INFORMATION EMBASSY MIGHT BE ABLE TO PROVIDE ON THIS QUESTION.

8. ACTION REQUESTED: DEPT. ADVISE RE PARA 7.
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